

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Nathan S. Lewis et al. Art Unit : 1753
Serial No.: 10/017,221 Examiner : Alexander
Filed : December 13, 2001 Stephan Noguerola

Title : METHOD AND SYSTEM FOR DETERMINING ANALYTE ACTIVITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), CALIFORNIA INSTITUTE OF TECHNOLOGY, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010051, Frame 0582 on June 25, 1999. California Institute of Technology also certifies that it is the assignee of U.S. Patent No. 6,350,369. A copy of the assignment is attached for your reference.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in California Institute of Technology.


The undersigned is empowered to act on behalf of the assignee.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

August 27, 2004

Date of Deposit

Signature 

Teri Barnett

Typed or Printed Name of Person Signing Certificate

Applicant : Nathan S. Lewis et al.
Serial No. : 10/017,221
Filed : December 13, 2001
Page : 2 of 3

Attorney's Docket No.: 06618-895002 / CIT 2744C

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 6,350,369, whereby the patent granted on this application and U.S. Patent No. 6,350,369 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,350,369.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,350,369 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,350,369.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 06618-895002.

Applicant : Nathan S. Lewis et al.
Serial No. : 10/017,221
Filed : December 13, 2001
Page : 3 of 3

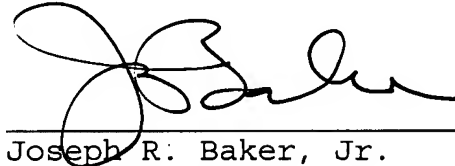
Attorney's Docket No.: 06618-895002 / CIT 2744C

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: _____

8/27/04



Joseph R. Baker, Jr.
Reg. No. 40,900

Fish & Richardson P.C.
PTO Customer No. 20985
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099